

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

ARTURO RINCON CERNAS, )  
vs. )  
Plaintiff, )  
THE GEO GROUP INC., )  
Defendant. )  
                                )  
                                ) NO. CIV-22-0206-HE  
                                )

**ORDER**

Plaintiff filed this § 1983 case alleging that defendant failed to pay him minimum wage in accordance with the Fair Labor Standards Act and Oklahoma's Minimum Wage Act. Pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), the matter was referred to Magistrate Judge Suzanne Mitchell for initial proceedings. Judge Mitchell has issued a Report and Recommendation recommending that plaintiff's application to proceed *in forma pauperis* be denied. Plaintiff has objected to the Report triggering *de novo* review of the matters to which objection has been made.

Plaintiff contends that the \$2,206.57 in his account balance is the total sum of all his assets. He alleges that he expects to be deported in May, 2022, and that these funds will be necessary to support himself during that transition. He requests that instead of paying the complete filing fee for this case, that he make an initial payment of \$50.00, and will try to finish paying the fee when he has funds to do so. Title 28 U.S.C. § 1915(a), however, allows for the commencement and prosecution of a case IFP only "if the person

is unable to pay such fees or give security therefor.” In this case, plaintiff has funds available to pay his filing fee.

Accordingly, the Report and Recommendation [Doc. #9] is **ADOPTED**. Plaintiff is **ORDERED** to pay the complete filing fee within **twenty-one (21) days** of the date of this order. If the filing fee is not paid, this case will be dismissed without prejudice.

**IT IS SO ORDERED.**

Dated this 5<sup>th</sup> day of May, 2022.



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JOE HEATON  
UNITED STATES DISTRICT JUDGE